

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Dietmar Hanke,

10 Plaintiff,

11 v.

12 Jason Trembly, et al.,

13 Defendants.
14

No. CV-24-03413-PHX-KML

ORDER

15 Plaintiff Dietmar Hanke filed a “Notice of Dismissal.” (Doc. 8.) Because no
16 defendant has filed an answer, Hanke is entitled to dismiss his case without a court order.
17 Fed. R. Civ. P. 41(a)(1)(A)(i). But Hanke’s notice also requests the court “provide a refund
18 [of the filing fee] to [his] credit card or by check to the address below.” (Doc. 8 at 3.) The
19 statute requiring the collection of a filing fee does not contain any provision allowing for
20 the refund of that fee. 28 U.S.C. § 1914. And many other district courts have concluded
21 “[a] district court lacks the authority to refund a filing fee after a voluntary dismissal.”
22 *Hinman v. Gianforte*, No. CV-24-33-BU-BMM-JTJ, 2024 WL 3567394, at *1 (D. Mont.
23 July 29, 2024) (quoting *Duclairon v. LGBTQ Cmty. & Grace Cmty. Church Klan*, No.
24 3:18-CV-01095-AC, 2018 WL 5085754, at *1 (D. Or. Oct. 17, 2018)). Because Hanke did
25 not identify any authority to the contrary, his request for a refund is denied.

26 /

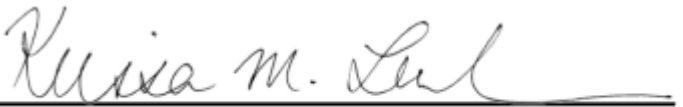
27 /

28 /

1 Accordingly,

2 **IT IS ORDERED** this case is **DISMISSED WITHOUT PREJUDICE**. The Clerk
3 of Court shall close this case. The request for a refund of the filing fee is **DENIED**.

4 Dated this 20th day of December, 2024.

5
6 

7
8 **Honorable Krissa M. Lanham**
9 **United States District Judge**
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28